THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.19530 of 2005

Date:05.09.2005

S.Prabhakar

----------Petitioner

The Commissioner of Tribal Welfare and others

----------Respondents

ORDER:

The petitioner appeared in the Entrance Examination for admission into I-Year of M.B.A Course for the academic year 2005-06. The petitioner studied his degree course and through out his career, he was recognized as a candidate belonging to Scheduled Tribe. During the course of counselling for allotment of candidates, the Caste Certificate produced by the petitioner was referred for verification to the 1st respondent. He, in turn, had entrusted the matter to the 2nd respondent for further verification. The 2nd respondent issued memo, dated 21.07.2005, requiring the petitioner to appear before him on 25.07.2005 and produce proof in support of his claim. It was further observed that the purpose of conducting enquiry on 25.07.2005 is to place the matter before the District Level Scrutiny and Review Committee, 6th respondent herein. The grievance of the petitioner is that on account of the delay in the process of verification, his admission is being delayed and there is every likelihood of denial of the seat on the grounds of delay.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The Andhra Pradesh(SC, ST, BCs) Regulation of Issue of Community Certificates Act, 1993 (for short 'the Act') prescribes the procedure for

issuance of Caste Certificates in favour of the candidates belonging to S.C., S.T., and B.C. The certificate issued to a candidate in accordance with the provisions of the Act enables him to secure admission or claim other benefits, which are provided for the concerned community. The Act also provides for cancellation of the certificate, if it is noticed, at a later stage, that the certificate was issued, on the basis of any wrong information or if the candidate was found otherwise unfit to hold that status.

The petitioner came to be selected for admission into I-Year of M.B.A.Course against a seat reserved in favour of Scheduled Tribe candidate. To ensure that the genuine candidates alone reap the benefit of reservation, the 1st respondent is conferred with the power to scrutinize the claims, at the time of admission, and even to reopen the matter *suo motu*. It is in this context that the case of the petitioner came for verification. The proceedings came to be issued way back on 21.07.2005. Admission into professional colleges is a time bound process and the courses themselves are of limited duration. If the admission of the petitioner is kept aside, till the action contemplated by respondents 1 and 2 is completed, there is every likelihood of the petitioner being denied the admission itself.

The 2nd respondent has issued a memo, dated 21.07.2005, with a view to forward the matter to District Level Scruitiny and Review Committee, the 6th respondent. Even where the verification is taken up, the certificate does not loose its significance. It is only when the Caste Certificate is cancelled, that the holder thereof would be denied of the benefit thereunder. Under Rule 19 of the Andhra Pradesh(SC, ST, BCs) Regulation of Issue of Community Certificates Rules, 1997, it is permissible to grant provisional certificate, where the application for issuance of certificate is under process. The petitioner cannot be relegated to worse position than that. Section 20 of the Act mandates that till a certificate issued to a candidate is cancelled, the candidate is entitled for the benefit thereunder.

For the foregoing reasons, the writ petition is allowed and the 5th respondent shall process the admission of the petitioner without waiting for the report from the respondents 1, 2 and 6. He, shall, however incorporate a clause to the effect that in case Caste Certificate of the petitioner is cancelled before the petitioner completes the course, he shall not be entitled to pursue it further. There shall no order as to costs.

_____

05.09.2005

Note: Issue C.C. in three days.

(B/o)

Jsu